

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR THE REGISTERED HOLDERS OF
BANC OF AMERICA MERRILL LYNCH
COMMERCIAL MORTGAGE INC.,
MULTIFAMILY MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2016-KX02, acting by and
through its special servicer KeyBank N.A.,

Case No: 6:21-cv-6271

Plaintiff,

-against-

HOMESTATE ASSET MANAGEMENT, LLC,
TYCO FIRE & SECURITY (US)
MANAGEMENT, INC. D/B/A JOHNSON
CONTROLS FIRE PROTECTION, THOMAS
MASASCHI, and “JOHN DOE #1” through
“JOHN DOE #12,” the last twelve names being
fictitious and unknown to the Plaintiff, the persons
or parties, if any, having or claiming an interest in
or lien upon the premises, described in the
Complaint,

Defendants.

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PLAINTIFF’S NOTICE OF DISMISSAL OF THE COMPLAINT

Plaintiff U.S. Bank National Association, as Trustee for the Registered Holdings of Banc of America Merrill Lynch Commercial Mortgage Inc., Multifamily Mortgage Pass-Through Certificates, Series 2016-KX02, acting by and through its special servicer KeyBank N.A. pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure hereby dismisses all causes of action in the complaint against the defendants with prejudice. None of the defendants have filed an answer to the complaint nor a motion for summary judgment as to these claims. Dismissal under Rule 41(a)(1) is therefore appropriate.

Dated: March 2, 2022

Respectfully submitted,

TROUTMAN PEPPER HAMILTON SANDERS LLP

By: /s/ Christina L. Shifton

Christina L. Shifton
70 Linden Oaks, Suite 210
Rochester, NY 14625
Telephone: (585) 270-2100
Facsimile: (585) 270-2179
Email: Christina.Shifton@troutman.com

Joseph M. DeFazio *pro hac vice*
TROUTMAN PEPPER HAMILTON
SANDERS LLP
875 Third Avenue
New York, New York 10022
Telephone: (212) 704-6000
Facsimile: (212) 704-6288
Email: Joseph.DeFazio@troutman.com

*Attorneys for U.S. Bank National Association, as
Trustee, for the benefit of the Holders of COMM
2013-CCRE11 Mortgage Trust Commercial
Mortgage Pass-Through Certificates*

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court using CM/ECF system, which will send automatic notification of such filing to all CM/ECF participants.

Dated: March 2, 2022

/s/ Christina L. Shifton

Christina L. Shifton